

Landscape Architects Practice Act Updates
through January 1, 2008

Business and Professions Code

Effective January 1, 2008

5616. Landscape Architecture Contract – Contents, Notice Requirements

(a) A landscape architect shall use a written contract when contracting to provide professional services to a client pursuant to this chapter. The written contract shall be executed by the landscape architect and the client, or their representatives, prior to the landscape architect commencing work, unless the client knowingly states in writing that work may be commenced before the contract is executed. The written contract shall include, but not be limited to, all of the following:

- (1) A description of services to be provided by the landscape architect to the client.
- (2) A description of any basis of compensation applicable to the contract, including the total price that is required to complete the contract, and the method of payment agreed upon by both parties.
- (3) A notice that reads:

"Landscape architects are licensed by the State of California."

- (4) The name, address, and license number of the landscape architect and the name and address of the client.
- (5) A description of the procedure that the landscape architect and client will use to accommodate additional services.
- (6) A description of the procedure to be used by either party to terminate the contract.

(b) This section shall not apply if the client knowingly states in writing after full disclosure of this section that a contract that complies with the requirements of this section is not required.

(c) This section shall not apply to any of the following:

- (1) Professional services rendered by a landscape architect for which the client will not pay compensation.
- (2) An arrangement as to the basis for compensation and manner of providing professional services implied by the fact that the landscape architect's services are of the same general kind that the landscape architect has previously rendered to and received payment from the same client.
- (3) Professional services rendered by a landscape architect to any of the following:
 - (A) A landscape architect licensed under this chapter.
 - (B) An architect licensed under Chapter 3 (commencing with Section 5500).
 - (C) A professional engineer licensed under Chapter 7 (commencing with Section 6700).
 - (D) A professional land surveyor licensed under Chapter 15 (commencing with Section 8700).
 - (E) A contractor licensed under Chapter 9 (commencing with Section 7000).
 - (F) A geologist or geophysicist licensed under Chapter 12.5 (commencing with Section 7800).
 - (G) A manufacturing, mining, public utility, research and development, or other industrial corporation, if the services are provided in connection with, or incidental to, the products, systems, or services of that corporation or its affiliates.
 - (H) A public agency.

(d) As used in this section, "written contract" includes a contract that is in electronic form.

5640. Unlicensed Person Engaging in Practice – Sanctions

It is a misdemeanor, punishable by a fine of not less than one hundred dollars (\$100) nor more than five thousand dollars (\$5,000) or by imprisonment in the county jail not exceeding six months, or by both that fine and imprisonment, for a person to do any of the following without possessing a valid, unrevoked license as provided in this chapter:

- (a) Engage in the practice of landscape architecture.
- (b) Use the title or term "landscape architect", "landscape architecture," "landscape architectural," or any other titles, words, or abbreviations that would imply or indicate that he or she is a landscape architect as defined in Section 5615.
- (c) Use the stamp of a licensed landscape architect, as provided in Section 5659.
- (d) Advertise or put out a sign, card, or other device that might indicate to the public that he or she is a licensed landscape architect or qualified to engage in the practice of landscape architecture.